

Application No.:

Filed:

Method of Treating or Inhibiting Cellular Injury or Cell Deals

For: Confirmation No.:

Customer Number:

25291

Commissioner for Patents Washington, DC 20231

RESPONSE UNDER 37 C.F.R.§1.111

The following is responsive to the Office Action dated October 21, 2002 received in the above-identified patent application, the period for response being extended to March 21, 2003 based on the filing herewith of a petition for Two Months Extension of Time.

REMARKS

Claims 1-5, 7-11 and 13-16 are pending in this application.

At page 2 of the Office Action, the Examiner repeated the restriction requirement set forth in the Office Action July 1, 2001. Applicants hereby reaffirm the election of claims 1-5, 7-11 and 13-16 for prosecution in this application.

At pages 2 and 3 of the Office Action, the Examiner rejected claims 1-5, 7, 9-11 and 13-16 under 35 USC§102(b) as anticipated by the Deswal et al (1999) article. The Examiner argued that Deswal teaches the administration of a TNF antagonist to treat patients in need of a therapy for an ischemic event.

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV212532418US addressed to the Commissioner for Patents, Washington, DC 20231.

Bubinea D. Owens

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PE	AO .210-63	 G0/1/1
Way 5 J Ju	13-24-63 TED STATES PATENT AND TRADEN	Docket No: AM100143 Patent ARK OFFICE
In re of Application of: Application No.: Filed: For: Confirmation No.: Customer Number:	Gregory S. Friedrichs, et al 09/779,039 Group Art No.: February 8, 2001 Examiner: Method of Treating or Inhibiting Cellula 4428 25291	Patent MARK OFFICE 1646 Joseph F. Murphyth Injury or Cell Death
Commissioner for Paten Washington, DC 20231	ts	
Sir:	AMENDMENT TRANSMITTAL LETT	<u>rer</u>
1. Transmitted herev	with for filing is an amendment for this app	lication.
	PETITION FOR EXTENSION OF TIME	<u>ME</u>
2. (a) Applicant checked be	petitions for an extension of the time for low:	the total number of months
	Two Months. Fee in the amount of Fee in the amount of	\$ 110.00 \$ 410.00 \$ 930.00 \$ 1,450.00 \$ 1,970.00

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV212532418US addressed to the Commissioner for Patents, Washington, DC 20231.

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march 21, 2003

Date

Bubinea D. Owens

Docket No: AM100143

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

	An extension for month(s) has already been secured and the fee paid therefor of \$0.00 is deducted from the total fee due for the total months of extension now requested.
OR	
(b)	Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

Extension fee due with this request: \$410.00

FEE FOR CLAIMS

3. The fee for claims has been calculated as shown below:

CLAIMS AS AMENDED									
(1)	(2)	(3)	(4)			(5)			
FOR TOTAL CLAIMS	CLAIMS REMAINING AFTER AMENDMENT 17	HIGHEST NUMBER PAID FOR	NUMBER EXTRA x RATE 0 X \$ 18.00			ADDITIONAL FEE 0.00			
INDEPENDENT	3	3	0	X	\$	84.00	0.00		
CLAIMS MULTIPLE DEPENDENCY FEE					\$	280.00			
Total Amendment Fee:					\$0.00				

\boxtimes	No additional fee for claims is required.	
	Total additional fee for claims required:	

Docket No: AM100143
Patent

4. Method of Payment of Fees:

Charge Deposit Account No. 01-1425 in the amount of: \$410.00.

A duplicate of this transmittal is attached.

 Instructions as to Overpayment: Credit any overpayment to Deposit Account No. 01-1425.

6. Authorization to Charge Additional Fees

If any additional extension and/or fee for claims is required, charge Account No. 01-1425.

Respectfully submitted,

Michael R. Nagy

Attorney for Applicants

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